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*Attorneys for Federal Defendants*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WILD HORSE EDUCATION, and  
LAURA LEIGH, individually,

*Plaintiffs,*

v.

U.S. DEPARTMENT OF INTERIOR,  
BUREAU OF LAND MANAGEMENT, and  
JOHN RABY, in his official capacity as  
Nevada State Director of the Bureau of Land  
Management,

*Federal Defendants.*

Case No. 3:23-cv-00372-MMD-CLB

**DECLARATION OF JOSEPH W.  
CRUSHAM**

I, Joseph W. Crusham, declare and state as follows:

1. I am a trial attorney in the Wildlife and Marine Resources Section of the Environment and Natural Resources Division of the United States Department of Justice.
2. I am counsel for Federal Defendants in the above-captioned case.
3. I am licensed to practice law in the State of California and, as counsel for the Federal

Government, I am permitted to practice in the U.S. District Court for the District of Nevada.

4. I have personal knowledge of the matters contained in this declaration and, if called and sworn as a witness, I can and will competently testify to all of the matters stated herein.
5. Counsel for Plaintiffs did not contact me prior to filing Plaintiffs' Second Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 60 ("TRO Motion"), on October 10, 2024.
6. I have conferred with my co-counsel, Peter Brocker, a trial attorney in the Natural Resources Section, and he confirmed that Plaintiffs' counsel also did not contact him regarding the TRO Motion.
7. The Declaration of Jessica L. Blome filed with Plaintiffs' TRO Motion attests: "On October 4, I reached out to counsel for Defendants to determine whether the Bureau of Land Management (BLM) would consider cancelling the gather of horses from the Triple B Complex set to begin on November 1 to make room for a mediation in another case and to avoid this motion. Defendants declined to cancel the gather." ECF No. 60 at 3, ¶ 3.
8. After reviewing this statement, I conferred internally with another Department of Justice attorney, Michelle Spatz, who is counsel for Federal Defendants in a different matter before this Court, Case No. 2:22-cv-01200-MMD-BNW.
9. Ms. Spatz forwarded me an email she received from Ms. Blome on October 4, 2024, regarding scheduling a settlement conference in that case. A true and correct copy of that email chain is attached as **Exhibit A**.
10. On October 11, 2024, I emailed Ms. Blome regarding the TRO Motion, the above statement in her declaration, and Federal Defendants' intent to file the Notice to which this Declaration is attached.
11. Prior to the TRO Motion's filing, the last communications that Mr. Brocker and I had with Ms. Blome regarding this case occurred on September 30, 2024 and October 1, 2024,

concerning Federal Defendants' Partial Motion to Dismiss and Motion to Strike, ECF No. 59. A true and correct copy of that email chain is attached as **Exhibit B**.

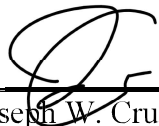
12. It is my understanding that BLM has had a gather scheduled in the Triple B Complex since at least last December. A schedule dated December 8, 2023 is publicly available on BLM's website, and provides that a gather in the Triple B Complex was planned for September 16, 2024. *FY 2024 Tentative Wild Horse and Burro Gather and Fertility Control Schedule as of December 8, 2023*, BLM, <https://www.blm.gov/sites/default/files/docs/2023-12/Tentative%20National%202024%20%20Gather%20Sched.%20Revised%20Dec%208%202023.pdf> (last visited on October 11, 2024).

13. Plaintiff Wild Horse Education posted on its website about the December 2023 schedule shortly after it was announced. *See Roundup Schedule Expands*, Wild Horse Education <https://wildhorseeducation.org/2023/12/16/roundup-schedule-expands/>, December 16, 2023 (last accessed on October 11, 2024).

14. As indicated in the September 6, 2024 schedule attached to Plaintiffs' TRO Motion, ECF No. 60-1 at 101, the date for the gather was adjusted to November 1, 2024. Based on conversations with agency counsel, it is my understanding that the September 6, 2024 schedule was posted on BLM's website on September 12, 2023. Plaintiff Wild Horse Education also made a post about this schedule. *See 2025 Roundup Schedule is OUT*, WILD HORSE EDUCATION, <https://wildhorseeducation.org/2024/09/13/2025-roundup-schedule-is-out/> September 13, 2024 (last accessed on October 11, 2024).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 11th day of October, 2024

  
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Joseph W. Crusham